

1 PHILLIP A. TALBERT
United States Attorney
2 JAMES R. CONOLLY
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700
Facsimile: (916) 554-2900
5
6 Attorneys for Plaintiff
United States of America
7
8

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 AUSTREBERTO SANTAMARIA-VALENCIA,
14 Defendant.

CASE NO. 2:21-CR-0079-TLN
STIPULATION AND ORDER TO CONTINUE
JUDGMENT AND SENTENCING HEARING
AND MODIFY PRESENTENCE SCHEDULE OF
DISCLOSURES; ORDER
DATE: October 3, 2024
TIME: 9:30 a.m.
COURT: Hon. Troy L. Nunley

16 STIPULATION
17

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through his counsel of record, hereby stipulate as follows:

1. By previous order, Court set this matter for judgment and sentencing on October 3, 2024.
2. By this stipulation, the parties now move to continue the judgment and sentencing hearing until January 16, 2025. The parties understand that this date is available to the Court for a continued judgment and sentencing.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The Probation Office is working to complete the presentencing investigation and further time is needed to complete that process.
 - b) Defense counsel requires additional time to investigate matters relevant to sentencing and to advise his client regarding the presentence investigation process.
4. The parties have consulted the Probation Office, which has indicated that it is amenable

1 to a new sentencing date of January 16, 2025, which should give the Probation Office sufficient time to
2 finish its presentence investigation and draft the Presentence Investigation Report.

3 5. The parties therefore request the disclosure schedule for the PSR and briefs related to
4 sentencing be modified to the following timeline:

5 **Judgment and Sentencing Date:**

January 16, 2025

6 Reply or Statement of Non-Opposition to Formal Objections /
7 Parties' Sentencing Memoranda:

January 9, 2025

8 Formal Written Objections/Motions for Correction to Presentence
9 Investigation Report:

January 2, 2025

10 Final Presentence Report to be filed with the Court and disclosed
11 to counsel no later than:

December 26, 2024

12 Informal Objections to the Presentence Investigation Report

December 19, 2024

13 Draft Presentence Report to be disclosed to counsel no later than:

December 5, 2024

14 IT IS SO STIPULATED.

15 Dated: September 30, 2024

PHILLIP A. TALBERT
United States Attorney

16 _____
17 /s/ JAMES R. CONOLLY

18 JAMES R. CONOLLY
19 Assistant United States Attorney

20 Dated: September 30, 2024

21 _____
22 /s/ MATTHEW C. SMITH

23 MATTHEW C. SMITH
24 Counsel for Defendant
25 AUSTREBERTO SANTAMARIA-VALENCIA

26 **ORDER**

27 The Court, having read the stipulation of the parties, adopts its factual findings. Finding good
28 cause, the Court hereby orders that the current judgement and sentencing hearing be vacated and reset for
January 16, 2025, at 9:30 a.m., with the schedule of disclosures adopted as modified in the parties'
stipulation.

29 IT IS SO FOUND AND ORDERED this 2nd day of October 2024.



30 _____
31 TROY L. NUNLEY
32 CHIEF UNITED STATES DISTRICT JUDGE